

The Salisbury Planning Board held its regular meeting Tuesday, August 9, 2005, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Len Clark, Lou Manning, Sandy Reitz, Valarie Stewart, Bryce Ulrich, Price Wagoner, Charlie Walters, and Diane Young

ABSENT: Bryan Duncan, Brian Miller, and Albert Stout

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Joe Morris, Diana Moghrabi, David Phillips, and Lynn Raker

Vice Chairman **Lou Manning** called the meeting to order. Price Wagoner offered the invocation. The minutes of the July 12, 2005 meeting were approved as published. The July 26 meeting was canceled.

ZONING MAP AMENDMENT

Vice Chairman Manning opened the Courtesy Hearing, and Preston Mitchell made a staff presentation for the following zoning map amendment cases.

Z-08-05 Carolina Boat Center, LLC
260 Burkhart Road
Lexington, NC 27292

LOCATION: W. Ritchie Road—next door to 610 W. Ritchie Road and adjacent to the I-85 Right-of-way

From: M-1 and A-1 (Split zoning on one parcel)

To: M-1

Parcel: 401-047

Acres: 12.43

Definition

Agricultural district (A-1). The agricultural district is intended primarily as a district for bona fide farms and their related uses, provided such uses are an integral part of a specific bona fide farm. The continuance of agricultural endeavors and forestry are encouraged within this district.

Light industrial district (M-1). The light industrial district is to provide areas for the location of wholesaling and industries for manufacturing, processing, and assembling parts and products, distribution of products at wholesale, transportation terminals, none of which will create smoke, fumes, noise, odor, dust or which will be detrimental to the health, safety, and general welfare of the community.

Vision 2020 – ‘Industrial Areas Yet to Be’

The mixing of heavy commercial, light industrial, medical, and scattered residential.

“This policy section...will focus primarily on those types of industries that can fit comfortably within the existing urban fabric of Salisbury. Manufacturing enterprises locating within the City of Salisbury will likely be light manufacturing, production and assembly operations requiring smaller land tracts than their ‘heavier’ counterparts.”

The Plan supports small business development and calls for smaller light industrial users to locate along the major feeder roads leading to the I-85 corridor. This location along W. Ritchie Road is literally minutes from the interstate via the Julian Road interchange.

Staff recommends approval as requested based on the general support of the Vision 2020 Plan’s support of light industrial development along the I-85 corridor—specifically along feeder roads leading to the interstate. In addition, staff supports the request since the southern half of the property was rezoned in 1999 to the requested M-1 and is adjacent to other swaths of M-1 and B-6 districts.

Those speaking in favor:

Blair Crouse—260 Burkhart Road, Lexington, NC—He is one of the three principals that owns Carolina Boat Center at the Peeler Road intersection in Rowan County. They are looking for property that would allow them to expand their business, and this property seems to suit their needs. This would allow more acreage to provide the services of retail boat sales and winter warehousing of boats. The current M-1 part of the property is no larger than their current site; the rezoning is necessary to grow the business.

He complimented staff on their assistance through the rezoning process.

Those speaking in opposition:

Mr. Honore Alexander, 1011 Scale Street, owns property next to this site which was formerly the Moose Lodge. He does not oppose this business but he does not want to meet with future conflict due to the wide uses M-1 allows. He has concerns about buffer zones that provide separation.

Mr. Mitchell asked Mr. Alexander to call the Planning office to schedule an appointment for further explanations.

Mr. John Daniels, of 427 Ashbrook Road, spoke on behalf of his family. He is the son-in-law of Ivory and Ruth Alexander who own a parcel adjacent to the property—this is Mr. Alexander’s ancestral home place. He is opposed to the rezoning to M-1 because the family prefers that the area remain residential in character.

Board Discussion

Diane Young requested the aerial view of the properties that were adjacent to the property being requested for rezoning. Len Clark observed that the Alexander family properties were already adjacent to M-1 rather than A-1. Mr. Alexander referred to the 1999 rezoning of the adjacent property to M-1. Zoning to M-1 was approved by City Council; Planning Board had recommended denying the rezoning from A-1 to M-1 in 1999.

At Sandy Reitz's request, David Phillips explained that, in the M-1 zoning district, a ground sign could have a maximum height of 30 feet and a maximum sign area of 100 square feet.

Landscaping in the M-1 zoning district would require, in the area that is being developed, a minimum of a 30-foot landscape buffer with a complete visual separation. This is the City of Salisbury's most intense landscape buffer.

Board Decision

Dr. Mark Beymer stated that it appears this property is very convenient to the access at Julian Road. Based on the fact that the rezoning petition is primarily for a piece of property that is adjacent to the existing property zoned M-1 he is supporting it. Dr. Beymer made a motion to recommend approval of Z-08-05 as submitted. Sandy Reitz seconded the motion. It was approved (8-1) with Valarie Stewart voting in opposition.

Z-09-05 Lillian B. Kennedy
 1243 W 51st Street
 Los Angeles, CA 90037

LOCATION: 426 Partee Street–corner of Partee and Monroe streets, across the street
 from Livingstone College

From: R-6

To: R6A

Parcel: 008-079

Acres: 0.19

Public notices were sent out, but after further discussion with the applicant, the application was withdrawn.

Z-11-05 City of Salisbury

Establish City Zoning upon various parcels and tracts on approximately 198 acres in the Airport Road area.

Because of a large-scale annexation that occurred in areas within the City's ETJ (extra-territorial jurisdiction) and outside the City of Salisbury's ETJ area, State Law says the City must establish their zoning districts and regulations on land. There is a 60-day window to accomplish this task. Efforts to expedite the public hearing were not successful. This case will go to City Council September 6.

Annexation is the physical growth of the city by extending its boundary lines. It is an executive and multi-departmental decision that includes the Land Management (Planning & Development) department. The Planning Department is tasked with proposing the appropriate zoning.

R-20 & R-15 Definitions

Single family-20 residential district (R-20) is primarily for detached single family dwellings and their customary accessory buildings or structures in areas when water supply and sewage disposal is primarily the responsibility of the individual (i.e., no public water supply or public sewage disposal or its equivalent is readily available) and to establish areas for a density of development to the lot size requirements of this district.

Single family-15 residential district (R-15) is essentially same with minimum lot size difference.

R-15MH & R-6A Definitions

Single family-15/manufactured home residential district (R- 15 MH) is primarily for detached single-family dwellings and Class AA and their customary accessory buildings or structures.

Multi-family residential district (R-6A) is intended primarily as a residential district for the location of detached single-family dwellings, two-family dwellings and multi-family dwellings along with their customary accessory uses.

A-1 Definition

Agricultural district (A-1). The agricultural district is intended primarily as a district for bona fide farms and their related uses, provided such uses are an integral part of a specific bona fide farm. The continuance of agricultural endeavors and forestry are encouraged within this district.

Vision 2020 Comprehensive Plan addresses the City's Growth Strategy.

- Area is within Secondary Growth Area
- Urban Services may not be out there yet
- Development expected to be slower
- If services and development concentrated in Secondary Growth Area, the city would sprawl to five times today's size by the year 2020.
- Weighty consideration was given toward existing conditions and preservation of character to determine zoning

Staff looked at:

- Existing development patterns & land use
- Existing density patterns
- Geographic location in relation to urban areas
- Remember Secondary Growth Area

Staff broke the study areas into three sections: Stonybrook subdivision (generally R-20 & A-1), Kings Forest subdivision (higher density R-15), and properties along Rachel Lane (R-15 MH), Airport Road and Gaskey Road (R-15). Mr. Mitchell explained how each area would be zoned in City zoning.

Matika Villa is proposed as R6-A. By doing so, every use would be grandfathered in. The mobile homes can remain; if damaged by fire, it can be replaced. The owner of the community can replace any mobile home removed from the current neighborhood. It would, however, prevent adding any additional pads.

Planning staff recommends approval of the establishment of City zoning districts as proposed

Those speaking in favor of the zoning recommendations: None

Those speaking in opposition:

William Shafer, of 110 Fuller Circle, is a resident of Stonybrook. Mr. Shafer requested further explanation of the differences between R-20 and R-15. Mr. Mitchell explained that the lots in Stonybrook are larger (average lot 30,000 square feet) as opposed to the average lot size in Kings Forest which is 6000 square feet less. The new city boundary runs through the center of Grants Creek.

Duane Smith, of 114 Lancelot Road, owns two lots in the Kings Forest subdivision. He operates a small electrical business in his back lot. It is established; therefore, it is grandfathered in and he is allowed to operate as he has. If he should cease to operate more than 180 days he would lose his grandfathering.

Mr. Smith has a 24 x 24 shop. There are no restrictive covenants in the subdivision to prevent him from expanding his shop. How would the zoning affect him? If he wishes to expand his business he would have to meet the current code. For an accessory structure use, he would be required to combine the property where the principal structure is—the two lots would have to be combined. The shop cannot exceed the size of the principal structure. David Phillips suggested that he come to his office at 110 North Main Street for further discussion.

Geraldine Owens—she and her husband, Rodney Owens, are the developers of Grants Meadow subdivision--PO Box 469 Southmont, NC (336-798-1072). The City's proposed zoning of their property is R-15MH; they are requesting R-6A.

The entry of their subdivision is all doublewides, "modulars", or "triplewides." They have a vested interest in 14 of the properties and they still own 20 of the vacant lots. They voluntarily ran the water lines from Gaskey Road to Airport Road, into the subdivision and tapped onto the city sewer in the back. Both their future and their livelihood depend on this subdivision.

- The market dictated the sale of doublewides when they began the subdivision.
- They believe the subdivision is of good integrity.
- They chose to develop the neighborhood slowly.
- They have restrictive covenants that do not allow for singlewide mobile homes.
- Mr. and Mrs. Owens wish to have the option of multi-family housing.

Board Discussion

Dr. Mark Beymer thinks that the property owner has made a substantial investment and sees no reason not to make the zoning as requested.

Len Clark felt the Board did not have enough information; the aerial shot is about five years old so he would like to visit the property and view what is on the ground. He is in favor of sending this to committee. He has sympathy for this property owner; the rest of the proposal seems straightforward.

Sandy Reitz asked for clarification from Sr. Planner Preston Mitchell and Zoning Administrator David Phillips, on the differences in mobile homes, modular homes and the request of Mr. and Mrs. Owens. Mr. Phillips explained that R6-A zoning does not permit manufactured homes by right; a mobile home overlay would have to be included. If this is done, the mobile homes would be allowed, as well as the multi-family residential structures. If this property were zoned R6-A, without a mobile home overlay, all structures would be non-conforming. David Phillips explained the difference between mobile home parks and mobile home subdivisions and the reasons for the staff recommendations.

Len Clark had several concerns about owner notification and what information the property owners received about their zoning.

Diane Young asked if the city zoning would be more restrictive than the county zoning. The county zoning would allow a singlewide mobile home, but the developer placed restrictions prohibiting singlewide mobile homes.

Mr. Owens stated that they have restricted their subdivision to doublewides, modulars or greater. They spent \$800,000 developing the property. They have not yet seen a profit from their investment. Their vested interest lies in the 20 lots remaining and the properties that they own. They are asking not to be prevented from finishing their project and seeing a profit.

Mark Beymer made a motion to approve Z-11-05 as recommended by staff with the exception of the R-15 MH. The Grants Meadow subdivision would be zoned R-6A MH. Charlie Walters seconded the motion. The motion was denied with Mr. Walters and Mr. Beymer the only two voting in favor. (2-7)

Board Decision

Bryce Ulrich felt he did not have enough information to vote, so he preferred to send the case to committee for further discussion. He then made a motion to approve the staff recommendation of Z-11-05 with the exception of the Grants Meadow area (R-15 MH), which he recommended sending to committee for consideration of R6-A zoning with the mobile home overlay. Diane Young seconded the motion with all members voting AYE. (9-0)

Legislative Committee A (Valarie Stewart, Diane Young, Mark Beymer, Bryce Ulrich and Charlie Walters) will meet Friday, August 12, at 4 p.m. in the first floor conference room at City Hall, located at 217 South Main Street.

Z-12-05 City of Salisbury

Establish City Zoning upon various parcels and tracts on approximately 55 acres in the South Main Street area.

This is a large-scale annexation of areas within the ETJ (extra-territorial jurisdiction) and outside the ETJ. State Law says if you annex outside the ETJ, city must establish their zoning districts and regulations on land. There is a 60-day window to get done. Annexation is the physical growth of the city by extending its boundary lines.

This annexation is an executive and multi-departmental decision that includes the Land Management (Planning & Development) department. Planning Department is tasked with proposing the appropriate zoning.

The current county zoning of this area is CBI—essentially the same as the city’s M-1 district. The MHP is the county zoning for the mobile home community.

B-6 & M-1 Definitions

General business district (B-6) is for the location of business for the retailing of merchandise and for carrying on professional and business services and limited wholesaling and manufacturing as well as places for public assembly.

Light industrial district (M-I) is to provide areas for the location of wholesaling and industries for manufacturing, processing, and assembling parts and products, distribution of products at wholesale, transportation terminals, none of which will create smoke, fumes, noise, odor, dust or which will be detrimental to the health, safety, and general welfare of the community.

R-6A Definition

Multi-family residential district (R-6A) is intended primarily as a residential district for the location of detached single-family dwellings, two-family dwellings and multi-family dwellings along with their customary accessory uses.

Staff is proposing B-6 zoning along the frontage of South Main Street and M-1 zoning on the rear of those properties that are adjacent to the CBI and M-1 zoning districts. This split zoning is to preserve a gateway into the city along South Main Street.

Under Salisbury’s Vision 2020 Comprehensive Plan this area is within the Secondary Growth Area, which is considerably different than the residential majority of previous case. The Vision 2020 Comprehensive Plan recognizes the low likelihood of major industry locating to areas relatively close to city. They need cheaper land and areas to grow. Salisbury needs to attract small business, light industrial and commercial uses to those areas in town and on the fringe.

Staff Recommendation

In general, staff supports the county’s CBI district’s intent; however, there is a desire to attract commercial and mixed-use development to the South Main Street corridor. It is important to retain the light industrial character behind the South Main Street corridor. Staff recommends that the Planning Board approves the establishment of city zoning districts as proposed.

Those speaking in favor: None

Those speaking in opposition:

Dave Collins, 3870 South Main Street, is a co-owner of Distinctive Naturescapes. He stated his phone number as 704-630-0007. Their property has been split-zoned as explained in Preston Mitchell’s presentation. Formerly it was the county’s LI. He stated that they prefer all M-1 zoning for the greater use of their property. His concern is not for the short-term use of his property; restrictions in the B-6 zoning does not allow for the growth of the business.

Larry Hess, 738 Mocksville Avenue, owns property north of Piper Lane. Some of the property has mini-warehouses and manufacturing facilities on it. He was going to expand his business, but he was not sure he could. David Phillips stated that the zoning will be M-1 so he could.

Board discussion:

Len Clark asked for clarification about what is on the ground in the proposed B-6 area. Mr. Mitchell explained that the southern end is vacant. There are older homes—some have been converted to commercial or office use, and there is a mobile home community. Mr. Clark would like more information. He would like to see Mr. Collins' property zoned all M-1, but that would not be the right zoning if there is residential property there.

Mr. Collins added that they already have a county building permit. Mr. Phillips asked how the building would be used. Mr. Collins stated that there were three possible uses that were complimentary to the current business. Mr. Phillips responded that the City of Salisbury would honor the County building permit, but the use may be in question. He offered to discuss it further at his office.

Board Decision

Sandy Reitz felt that she had enough information to make a motion to accept the staff recommendation for Z-12-05. Mark Beymer seconded the motion. The motion was defeated with Mark Beymer, Lou Manning, Sandy Reitz, and Bryce Ulrich voting for and Price Wagoner, Valarie Stewart, Len Clark, Charlie Walters, and Diane Young voting against. (4-5)

Mark Beymer then made a motion to send the entire Z-12-05 to Legislative Committee B (Len Clark, Sandy Reitz, Albert Stout, Price Wagoner, and Bryan Duncan) Friday, August 12, at 9 a.m. in the first floor conference room located at City Hall, 217 South Main Street. The vote was unanimous. (9-0) Diane Young will be unable to attend the morning meeting, so Bryce Ulrich volunteered to sit in on that meeting since he will not be able to attend the afternoon meeting.

The Board approved a motion to move past 6 p.m.

GROUP DEVELOPMENT SITE PLANS

David Phillips, Zoning Administrator, made a staff presentation for the following:

G-02-00 **Lone Hickory Village**
300 Block of Morlan Park Road
Tax Map 065, Parcels 313 & 409, Zoning RDBS

Mr. Joe Mathis submitted the application for the construction of the previously approved residential subdivision due to the one-year time limit approaching. The subdivision will contain 21 lots and will be located in the 300 block of Morlan Park Road. All zoning criteria have been met. The Technical Review Committee recommends approval of the application contingent on the following condition:

- Need to change the ‘valley curb and gutter’ to ‘vertical curb and gutter’ on the road design detail. Include a standard note of the vertical curb and gutter detail in the general notes on the site plan.

Those speaking in favor: None

Those speaking in opposition:

Robert Boone operates a business at 1605 South Main Street and lives at 1031 Rowan Circle. For five years he has attended many meetings and he wants to verify that there are no changes. The ingress and egress will be to Morlan Park Road.

Mr. Phillips stated that he is correct that nothing has changed. The zoning is RDB-S. The condition of the special district is that the lots adjoining Rowan Terrace must meet the setbacks of R-8. The other condition is that the developer must have a maximum of 21 lots. The developer must also meet the screenings of an RD district and an R-8 district.

Mr. Boone said they are ready for the developer to start building.

Diane Young made a motion to approve G-02-00 as submitted with the one condition--the need to change the ‘valley curb and gutter’ to ‘vertical curb and gutter’ on the road design detail. Include a standard note of the vertical curb and gutter detail in the general notes on the site plan. Valarie Stewart seconded the motion with all members voting AYE. (9-0)

COMMITTEE SCHEDULING

Committee 1–Janet Gapen reported that the North Main Small Area Study plans a second neighborhood meeting. The first community meeting for the North Main Street Small Area Plan was a success. Both the diverse community and City Staff were well represented. Judy Kandl from the Community Appearance Commission, along with Brian Miller, Lou Manning and Sandy Reitz from the Planning Board also attended.

The residents were assigned to take pictures of what they like about their neighborhood and what they consider challenges in their neighborhood. These pictures will be compiled and reviewed at the next meeting, which will be Thursday, August 18, 2005, at the Henderson Independent High School cafeteria (1215 North Main Street) from 6-8 p.m.

Rules of Procedure Committee–The Planning Board voted unanimously to approve the revised Rules of Procedure as drafted.

OTHER BOARD BUSINESS

Chairman

Lou Manning, Len Clark and Mark Beymer felt that each individual property owner in the annexation areas should receive a letter stating exactly what they will be zoned.

Board Members

There was an open discussion about what is on the ground on South Main Street in the proposed B-6 corridor. Members of the Board requested clarification about county zoning in the Grants Meadow area at the committee meeting.

Staff

Preston Mitchell explained the process of public notifications for rezoning property.

Mr. Mitchell stated that he had a request for a potential amendment to the zoning code. There is no mention of boat sales, boat repair or boat storage in the M-1 zoning district. Actually the code does not address boats at all. Omission does not make it allowed by right or by condition. Under the new code this would be “lumped in” under vehicle sales, etc. The current code calls out each specific use. Mr. Mitchell believes that the M-1 zoning district is where this use should be added.

Len Clark requested that staff prepare an official proposal for the next meeting.

There being no further business to come before the Board, the meeting was adjourned.

Lou Manning, Vice Chairman

Secretary, Diana Moghrabi